

Document Page 1 of 2
**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 22-20324-GLT
 : Chapter: 11
 David A. Golupski :
 Maureen Y. Golupski :
 :
 : Date: 7/7/2022
 Debtor(s). : Time: 11:00

PROCEEDING MEMO

MATTER: Confirmation Hearing
 # 70 - Chapter 11 Small Business Subchapter V Plan Dated May 25, 2022.
 # 73 - Amended Exhibit B
 # 77 - Objection to Confirmation filed by Internal Revenue Service
 # 80 - Objection filed by Newtek Small Business Finance, LLC
 # 81 - Objection filed by PNC Bank, NA
 # 82 - Objection filed by Office of the U.S. Trustee
 # 84 - Objection filed by James Fellin, Subchapter V Trustee
 # 85 - Summary of Ballots

APPEARANCES:
 Debtor: Donald R. Calaiaro, Dave Golupski
 Trustee: James S. Fellin
 IRS: Adam Fischer
 Newtek: John Winter
 PNC: Rebecca Solarz
 UST: Jodi Hause
 ABC: Courtney Helbing

NOTES: [11:11 a.m.]

Calaiaro: The Debtors have previously acknowledged that there is an outstanding 2021 tax return and an amended 2020 return that will need to be filed. We have decided to hire a new accounting firm. We also received an offer for \$325,000 for the Debtor's Florida property. We contemplate finalizing that sale within the next 45 days.

Court: So, the Florida property has not been rented since this case was initiated?

Calaiaro: Yes, I have confirmed that with my client. Once I get the tax return issue resolved, I plan to file an amended plan within the next 30 days. Mr. Fellin does not want to move forward until we get the tax issue resolved.

Court: I have some questions about the Debtors' disposable income. The Debtors have five vehicles that total \$1,800 in monthly payments, excluding the cost for insurance. Can you tell me why all five of these vehicles are necessary?

Calaiaro: There is a vehicle in Pittsburgh and Florida. Mrs. Golupski has a fulltime job and has her own vehicle. The other two vehicles are used by adult children.

Court: With respect to the adult children, there's also an issue with the Debtors including student loans.

Calaiaro: I will address that with my client.

Court: Is the Debtor maintaining apartments in both North Carolina and South Carolina?

Calaiaro: That must be a typo.

Court: There are also material differences between the two on the Schedule J. In light of you preparing an amended plan, I think there needs to be a lot of belt-tightening in the Debtors' expenses.

Calaiaro: Mr. Winter raises an issue with amortizing his secured claim beyond five years. My research indicates that is not the case.

Winter: To be honest, I need to research Mr. Calaiaro's response. We may be able to come to an understanding. My client simply cannot accept anything other than a five year plan.

Court: Based on my initial review, I don't see a rationale for boxing the Debtors into paying this secured claim over a five year term, so long as it meets the fair and equitable standard.

Solarz: Our concern centers around the speculative nature of the plan's language.

Fellin: I have just one question about the Florida property. I question whether this property is being undervalued.

Calaiaro: The value of the property only affects Newtek.

Winter: My client will want the opportunity to credit bid on the property up to the value of its claim.

Hause: Looking back at the 341 meeting, there were numerous expenses listed that the Debtors indicated to reduce. We will just need the Debtors to cooperate.

Calaiaro: I take exception with that statement. These Debtors have fully cooperated and have been working with the subchapter V trustee.

Court: Mr. Fellin, do you have everything that you need in reviewing the Debtors' income?

Fellin: I still do not have the answers I need with respect to the Debtors' 2020 income.

Calaiaro: The income came to the Debtors through Modag. The family, Mr. and Mrs. Golupski, received the commission.

Court: To sum things up, within 30 days, you will have the amended 2020 tax return filed, the 2021 tax returns filed, and an amended plan. I'll also need to see amended Schedules I and J as necessary. I will also direct the Debtors to cooperate with the reasonable requests made by the subchapter V trustee.

OUTCOME:

1. The *Chapter 11 Small Business Subchapter V Plan* [Dkt. No. 70] is DENIED as withdrawn. [Text Order].

2. On or before August 8, 2022, the Debtors shall file (1) an amended 2020 federal tax return, (2) their 2021 tax returns, (3) an amended plan; and (4) amended Schedules I and J as necessary. Throughout the process, the Debtors shall cooperate with all reasonable requests made by the subchapter V trustee. [Chambers to Issue].

DATED: 7/7/2022